

House File 2558

S-5172

1 Amend the amendment, S-5149, to House File 2558, as amended,
2 passed, and reprinted by the House, as follows:

3 1. Page 6, after line 5 by inserting:

4 <Sec. _____. Section 602.1205, Code 2022, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 3. *a.* The district court shall try civil
7 cases in the order in which cases are initiated by the filing
8 of a petition, provided that the following cases shall be
9 entitled to a preference:

10 (1) Actions that have been revived pursuant to section
11 614.1, subsection 12, paragraph "b", or section 614.8A,
12 subsection 2.

13 (2) An action in which the interests of justice, as
14 determined by the supreme court, will be served by early trial.

15 *b.* The court shall adopt rules to implement this subsection.

16 *c.* Unless the court otherwise orders, notice of a motion
17 for preference shall be served with the petition by the party
18 serving the petition, or ten days after such service by any
19 other party.>

20 2. Page 6, after line 21 by inserting:

21 <Sec. _____. Section 614.1, subsection 12, Code 2022, is
22 amended to read as follows:

23 12. *Sexual abuse or sexual exploitation by a counselor,*
24 *therapist, school employee, or adult providing training or*
25 *instruction.*

26 *a.* (1) ~~An~~ If the victim was eighteen years of age or
27 older, an action for damages for injury suffered as a result
28 of sexual abuse, as defined in [section 709.1](#), by a counselor,
29 therapist, school employee, or adult providing training or
30 instruction, as defined in [section 709.15](#), or as a result of
31 sexual exploitation by a counselor, therapist, school employee,
32 or adult providing training or instruction shall be brought
33 within five years of the date the victim was last treated by
34 the counselor or therapist, or within five years of the date
35 the victim was last enrolled in or attended the school.

1 (2) If the victim was a minor, an action for damages for
2 injury suffered as a result of sexual abuse, as defined in
3 section 709.1, by a counselor, therapist, school employee, or
4 adult providing training or instruction, as defined in section
5 709.15, or as a result of sexual exploitation by a counselor,
6 therapist, school employee, or adult providing training or
7 instruction shall be brought at any time.

8 b. (1) Notwithstanding paragraph "a", subparagraph (2),
9 every claim or cause of action brought against any party
10 alleging intentional or negligent acts or omissions by a person
11 for physical, psychological, or other injury or condition
12 suffered as a result of conduct which would constitute sexual
13 abuse as defined in section 709.1, by a counselor, therapist,
14 school employee, or adult providing training or instruction,
15 as defined in section 709.15, or as a result of sexual
16 exploitation by a counselor, therapist, school employee, or
17 adult providing training or instruction, which is barred as of
18 the effective date of this Act because the applicable period
19 of limitation has expired or the plaintiff previously failed
20 to file a petition, is revived, and action thereon may be
21 commenced not later than three years after the effective date
22 of the Act.

23 (2) Dismissal of a previous action, ordered before the
24 effective date of the Act, on grounds that such previous action
25 was time-barred, or for failure of a party to file a petition,
26 shall not be grounds for dismissal of a revival action pursuant
27 to this paragraph.

28 Sec. _____. Section 614.8, Code 2022, is amended to read as
29 follows:

30 **614.8 Minors and persons with mental illness.**

31 1. The Except as provided in section 614.1, subsection
32 12, or section 614.8A, the times limited for actions in this
33 chapter, or for complaints or claims in chapter 216, 669, or
34 670, except those brought for penalties and forfeitures, are
35 extended in favor of persons with mental illness, so that they

1 shall have one year from and after the termination of the
2 disability within which to file a complaint pursuant to chapter
3 216, to make a claim pursuant to chapter 669 or 670, or to
4 otherwise commence an action.

5 2. Except as provided in section 614.1, subsection 9 or
6 12, or section 614.8A, the times limited for actions in this
7 chapter, or for complaints or claims in chapter 216, 659A, 669,
8 or 670, except those brought for penalties and forfeitures, are
9 extended in favor of minors, so that they shall have one year
10 from and after attainment of majority within which to file a
11 complaint pursuant to chapter 216, to make a claim pursuant to
12 chapter 669, or to otherwise commence an action.

13 Sec. _____. Section 614.8A, Code 2022, is amended to read as
14 follows:

15 **614.8A Damages Commencement of action for minor or child**
16 **sexual abuse and other sexual offenses — no time limitation.**

17 ~~An action for damages for injury suffered as a result of~~
18 ~~sexual abuse which occurred when the injured person was a~~
19 ~~child, but not discovered until after the injured person is of~~
20 ~~the age of majority, shall be brought within four years from~~
21 ~~the time of discovery by the injured party of both the injury~~
22 ~~and the causal relationship between the injury and the sexual~~
23 ~~abuse.~~

24 1. Notwithstanding the times limited for actions in this
25 chapter, an action relating to injuries suffered as a result of
26 sexual abuse as defined in section 802.2, and injuries suffered
27 as a result of other sexual offenses including lascivious acts
28 with a child in violation of section 709.8, assault with intent
29 to commit sexual abuse in violation of section 709.11, indecent
30 contact with a child in violation of section 709.12, lascivious
31 conduct with a minor in violation of section 709.14, sexual
32 misconduct with a juvenile in violation of section 709.16,
33 subsection 2, child endangerment in violation of section 726.6,
34 or sexual exploitation of a minor in violation of section
35 728.12, which occurred when the injured party was a minor may

1 be brought at any time.

2 2. a. Notwithstanding subsection 1, every claim or cause
3 of action brought against any party alleging intentional
4 or negligent acts or omissions by a person for physical,
5 psychological, or other injury or condition suffered as a
6 result of conduct which would constitute sexual abuse as
7 defined in section 709.1, by a counselor, therapist, or school
8 employee as defined in section 709.15, subsection 1, or as a
9 result of sexual exploitation by a counselor, therapist, or
10 school, which is barred as of the effective date of this Act
11 because the applicable period of limitation has expired or
12 the plaintiff previously failed to file a petition, is hereby
13 revived, and action thereon may be commenced not later than
14 three years after the effective date of this Act.

15 b. Dismissal of a previous action, ordered before the
16 effective date of this Act, on grounds that such previous
17 action was time-barred, or of failure of a party to file a
18 petition, shall not be grounds for dismissal of a revival
19 action pursuant to this section.>

20 3. By renumbering as necessary.

JANET PETERSEN